

**REMARKS**

Claims 3, 4, 6 and 8-11 now stand in the application, claims 9-11 having been added. Reconsideration of the application and allowance of all claims are now respectfully requested.

The 35 USC 112 rejections in Paragraphs 2-5 of the Office action are respectfully traversed, and are further overcome by the amendments made to the claims.

Claim 1 has been amended in order to clarify that the series of successive item fingerprints in the second pass matching fingerprints in the first sorting pass equal a certain threshold as explained in paragraph [55] of the specification. This allows retrieving a series of chronological serial numbers which is used to compute an estimated chronological serial number for current item.

The claim rejection under 35USC§101 is respectfully traversed. Claim 8 recites physical steps of at least (a) taking a digital picture, (b) storing a digital fingerprint in memory, (c) taking again a digital picture, and (d) sending the current item to a reject outlet. There are other steps applicant would argue are physical as well, but these are incontrovertible. And the last of these steps is a physical, transformative action taken in response to the steps recited earlier.

It appears from the examiner's remarks that the examiner does not object to the final recitation of the rejection step, but believes something similar should also be recited for the earlier steps. Applicant disagrees, but even if this point is conceded it does not warrant a rejection under 35 USC 101. That rejection is clearly obviated by the physical steps already recited in the claim. If the examiner believes that the claim is unclear due to the lack of enough physical steps, then a rejection under 35 USC 112, second paragraph, for lack of clarity should be stated.

In any event, to forestall an ambiguity rejection, thought applicant does not believe such is warranted, claim 8 has been amended to recite what is already well understood by those of skill in the art from the existing claim language, i.e., that sorting a postal item means directing it toward a particular sorting outlet corresponding to its address data. Claim 8 has been amended to define sorting step of current item by directing it toward a sorting outlet provided with outlet sorting bins as is discussed, e.g., at page 5 of the specification, and rejecting step by sending the current item to a reject outlet.

Claim 3 depends on claim 1 and defines the first chronological serial number computed for successive items in the second sorting pass being in the same chronological order as in the first sorting pass as explained, e.g., at page 11 of the specification, and a second chronological serial number computed by means of the series of successive last item fingerprints matching fingerprints recorded in the memory in the first sorting pass, all as described at pages 11-12.

Claim 5 relates to said certain threshold as being  $1/20^{\text{th}}$  of the storage capacity of a sorting outlet bin as described at page 10.

The prior art simply does not teach the subject matter recited in claim 8 or any of its dependent claims. Accordingly, all claims are believed to be in condition for allowance, and a Notice thereof is respectfully requested.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

/DJCushing/  
David J. Cushing  
Registration No. 28,703

Date: September 11, 2009